

MEETING #33 September 5

At a Joint Meeting of the Madison County Board of Supervisors on
September 5, 2007 at 7:30 p.m. in the Madison County Administrative Center
Auditorium:

PRESENT: Eddie Dean, Chairman
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney
Lisa R. Kelley, County Administrator

Chairman, Eddie Dean called the meeting to order and stated the following cases would be discussed tonight:

Case #SP-08-07-34, which is a request by Cedar Creek Land & Cattle Co., Inc. for a site plan to allow John & Shelley Chebuske to operate a retail store out of two (2) prefabricated buildings behind Plow & Hearth Outlet. This property is located off Route 29 Southbound Lane near Shelby and contains 75.667 acres of land, 40 acres zoned Conditional Business, B-1 and the remainder is zoned A-1. The final plan has been approved by the Virginia Department of Transportation and the Madison Health Department.

John Chebuske (applicant) was present to answer any questions pertaining to the case and stated the prefabricated buildings will be customized and will be handicapped accessible with three (3) doors installed (one on each end and one in the center). He also advised the final design will be very similar to a wooden barn structure.

Fritz Brittain was present stated he has known the applicant for the past several years; he also stated the applicant has been very supportive of the Rochelle Ruritan Club with projects – he advised the applicant is true to his word. He also stated the Madison Chamber of Commerce has asked him to be an advocate to promote more business in the County of Madison – therefore, he urged the Madison County Planning Commission to recommend this particular case be approved.

Bob Miller asked if the request includes additional parking in a graveled area, to which Betty Grayson, Zoning Administrator, replied “yes.”

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the site plan request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number #S-09-07-35, which is a request by Rachel Sanborn and Susan Barfield Edwards, Trustees under Thelda M. Kestenbaum Trust Agreement, for a plat of a subdivision of land to create one (1) lot with residue off Route 600 near Nethers, zoned A-1. (Pending variance request for a side setback on Route 600). The final plat has been approved by the Virginia Department of Transportation. *(Ms. Sanborn signed plats and has power of attorney but Ms. Edwards did not sign)*

Bruce Parker, Surveyor, was present on behalf of the applicant to answer any questions pertaining to the request.

Stan Berns was present and asked if it would be possible to attain additional information regarding the plans for the subdivision other than what has been indicated on tonight’s Agenda.

Rodney Lillard, Chairman, suggested Mr. Berns get with Bruce Parker who surveyed the property being discussed.

Bruce Parker, Surveyor, stated that Ms. Kestenbaum lives in the house behind the property being discussed and is served by the existing easement. Additionally, she has plans for the house and the residue; also has a house situated on it.

After discussion, on motion of Clark Powers, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, pending approval of the variance on the setbacks, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye

William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-09-07-36, which is a request by Reva M. Jenkins, Life Estate and Harold S. or Doreen C. Jenkins for a plat of a subdivision of land to create two (2) lots; no residue. Also, creating a fifty-foot (50') right-of-way to serve existing tax map number 9-23 owned by Leroy A. Jenkins, Life Estate and Mark D. Jenkins, et. als. This property is located off Route 646 near Nethers, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and Madison Health Department.

Harold Jenkins was present and stated there was no additional information to add regarding the request.

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-09-07-37, which is a request by Mary H. Jenkins Estate, c/o Joyce J. Gentry for a plat of a subdivision of land to create four (4) lots; no residue on Routes 230 and 692 near Hood, zoned A-1 and Floodplain. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Joyce Gentry was present on behalf of the applicant and stated the property consists of forty-seven (47) acres on Route 230 between the Rapidan River and Hood, Virginia, to be divided into four (4) lots.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the subdivision request is approved as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye

Clark Powers Aye

Case Number S-09-07-38, which is a request by Edward D. or Darlene H. Carpenter for a subdivision plat to create a fifty-foot (50') right-of-way to existing tax parcel 32-58. This property is located off Route 607 near Brightwood, zoned A-1. A fifteen foot (15') utility easement was added to record plats on 8/20/07. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Edward Carpenter was present and stated he and Darlene purchased the land on June 8, 2004 which consisted of 13.58 acres, along with a fifty-foot (50') right-of-way – the land was surveyed on May 12, 1976. He stated they would like to get the lot approved as a single lot.

Lois and Ray Goodall were present; she advised the fifty-foot (50') easement is located on their property. She also stated she and her husband attended a meeting several months to hear a case on the Lotus Lakes Subdivision and noticed that everything marked in “orange” on the subdivision plat was approved and contained an easement to the Carpenter’s property; therefore, she’d like to know why it is necessary to have an easement crossing the Goodall property at this time.

Betty Grayson, Zoning Administrator, advised Lois Goodall the plat she was in possession of was not approved – at that time the forty-foot (40') right-of-way was not allowed to cross the Carpenter property. She also stated the fifty-foot (50') right-of-way on the Goodall property was denoted in the deed when the property was purchased from the Weaver’s and is described in the deed as recorded, but was not approved by the County.

Lois Goodall asked why the forty-foot (40') easement was not approved to which Betty Grayson, Zoning Administrator, stated the County does not allow a right-of-way to be created off an existing right-of-way.

Lois Goodall asked if the easement was on her property, would there be an allowance for only one (1) house to be constructed.

Betty Grayson, Zoning Administrator, indicated the County allows one right-of-way to serve four (4) lots; although there has not been a request for a sub-

division at the present time; however, if a sub-dividing request is made, there may be restrictions imposed by the Virginia Department of Transportation.

Concerns were verbalized regarding what restrictions were imposed by the Virginia Department of Transportation on the case.

Larry Fanton of the Virginia Department of Transportation was present and stated the department's requirements for a subdivision require that a commercial entrance be constructed to serve three (3) or more lots – a "private entrance" can only serve two (2) lots.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the Board approved the subdivision plat as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number S-09-07-39, which is a request by Mitchell Mountain LLC for a plat of a subdivision of land to create three (3) lots with residue. Lots 1 and 2 will be on Route 618 and Lot 3 and the residue will be off Route 618 on fifty-foot (50') joint entrance. This property is located on Route 618 near Fordsville, zoned A-1. The final plat has been approved by the Virginia Department of Transportation and the Madison Health Department.

Bill Gimbel, Surveyor, was present on behalf of the applicant to answer any questions regarding the case.

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the Board voted to approve the subdivision plat as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Case Number SU-09-07-40 which is a request by Springhaven Farm LLC for an indefinite special use permit to allow Virginia Broadband LLC to attach two (2)

antennas to the existing silo for high speed internet service. This property is located on Route 634 near Oak Park and contains 30.805 acres of land, zoned A-1. Comments were provided from the Virginia Department of Transportation in the form of a memorandum dated August 21, 2007.

Brad Truman of Virginia Broadband was present and provided a brief overview of tonight's request.

Fritz Brittain was present and stressed the need for broadband service in Madison County; he also verbalized concerns regarding the request being made by the Virginia Department of Transportation as there will only be about four (4) trips to the site annually. In closing, he stated the applicant has been doing business in Madison County and desires to expand which will ultimately provide revenue to the County coffers and will not present any cost to the County, and he urged the Madison County Planning Commission and Madison County Board of Supervisors to approve tonight's request.

Bill Berry, co-manager of Springhaven Farm LLC was present and stated he did not understand the requirements being requested by the Virginia Department of Transportation; he stated there has been no piping above the hill to the driveway for a number of years and feels there is more traffic at the present time than what will occur when Virginia Broadband goes to service their equipment.

Larry Fanton of the Virginia Department of Transportation also stated that Jimmy Terrell had reviewed this case and stated the existing entrance is "sub-standard."

James L. Arrington asked if there was any point at which time the requirements established by the Virginia Department of Transportation will stop this project from moving forward.

Brad Truman stated it will cost a few hundred dollars to meet the requirements – he also advised the budget for the project is rather moderate.

Clark Powers asked if service to the site will only be about once a month, to which Brad Truman stated "yes."

Larry Fanton of the Virginia Department of Transportation was present and asked if the existing entrance was graveled – he also asked about the proposed antennae. He stated if the antennae will not be more than twenty feet (20') in height and

the entrance is graveled, the Virginia Department of Transportation will have no objections to the request being made by the applicant.

Bob Miller stated he felt with all due regard to the applicants, when they come before the Madison County Board of Supervisors, he feels the applicants should be made more aware as to what the Virginia Department of Transportation expects from the applicant(s). He stated he received a telephone call from an individual regarding this case because it was deemed the Virginia Department of Transportation was going to require a commercial entrance. In closing, he stated he feels it is unfair to all parties involved to attend the final meeting and have the Virginia Department of Transportation make a decision without having looked at the site and then change requirements further into the case. He stated there has been a lot of discussion regarding this case which has been unnecessary due to the fact the Virginia Department of Transportation has come into the meeting unprepared and as to what exactly will be required of the applicant.

Larry Fanton recited requirements made to the Virginia State law regarding entrances to residences and the guidelines pertaining to a commercial entrance. He stated it would greatly help if the Department was given a photo of what is being proposed on behalf of the applicant along with the application presented to the Department. In closing, he defined a commercial entrance and advised that all cell towers are supposed to have such (i.e. unpaved road with seventy-four (74') feet of graveled area). He stated a commercial entrance will allow for two (2) vehicles to pass when entering/existing the entrance.

Chairman, Eddie Dean advised the only type of antennae defined in the County's Ordinance is a cell tower antenna.

V. R. Shackelford, III, County Attorney stated there is a large difference between a provider that sells to the public and someone who purchases satellite television for their own private usage (i.e. state regulatory issues, licensure).

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the Board approved the indefinite special use permit as recommended by the Madison County Planning Commission, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller	Aye
Clark Powers	Aye

When Chairman Dean asked if there was anything else to come before the Board, David James asked whether a temporary occupancy permit could still be granted for the doctor's office. Lisa Kelley stated she would review the Board of Supervisors minutes from May 9, 2006 and let Mr. James know something about his temporary occupancy permit for the doctor's office.

With no further action being required by the Board, on motion of James L. Arrington, seconded by Clark Powers, Chairman, Eddie Dean adjourned the meeting, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Date: September 6, 2007